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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 U.S. SMALL BUSINESS
17 ADMINISTRATION, as Receiver for
18 PROSPERO VENTURES, L.P.,

19 Plaintiff,

20 v.

21 DONALD K. EMERY,

22 Defendant.

23 CASE NO. 07-03741 VRW

24 Related Cases:
25 C07-03739-VRW; C07-03736-VRW;
26 C07-03738-VRW; C07-03732-VRW;
27 C07-03737-VRW

28 APPLICATION FOR CONTINUANCE OF
HEARING ON PLAINTIFF'S MOTION TO
STRIKE AFFIRMATIVE DEFENSES AND
MOTION FOR JUDGMENT ON THE
PLEADINGS

29 The above-captioned matter is currently scheduled to be heard by the Court on Plaintiff's
30 Motion to Strike Affirmative Defenses and Motion for Judgment on the Pleadings on June 12,
31 2008 at 2:30 PM. Defendant respectfully requests a one week continuance of the hearing date
32 until June 19, 2008 at 2:30 PM. As grounds therefore, Defendant states that his attorneys, Bruce
33 A. Singal and Damien Powell, have a long scheduled arbitration in Massachusetts on June 12,
34 2008.

1 Defendant's counsel informed Plaintiff's counsel of this conflict. Plaintiff's counsel
2 subsequently told Defendant's counsel that he had forwarded Defendant's request for a
3 continuance to his client and would determine whether to file an opposition or notice of no
4 opposition after hearing back from his client.
5

6 WHEREFORE, Defendant respectfully requests that this motion for continuance be
7 granted. Defendant has attached a Proposed Order as Exhibit A.
8

9 Dated: May 15, 2008

DONOGHUE, BARRETT & SINGAL, P.C.

10
11 By: /s/ Damien Powell
12 Damien Powell
13 Bruce A. Singal
14 Attorney for Defendant
15 *Appearance Pro Hac Vice*

16 O'CONNOR & ASSOCIATES
17 John O'Connor
18 Attorney for Defendant
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PROOF OF SERVICE

I, Damien C. Powell, admitted *pro hac vice* in the United States District Court, Northern District of California, declare:

I am a citizen of the United States of America and a resident of the Commonwealth of Massachusetts. I am over the age of eighteen (18) years. My business address is Donoghue, Barrett & Singal, P.C., 1 Beacon Street, Boston MA 02108. The business address of John O'Connor, Esq., the local counsel to the defendant, is One Embarcadero Center, Suite 1020, San Francisco, California 94111.

On May 15, 2008, I served the foregoing document(s) described as APPLICATION FOR CONTINUANCE OF HEARING ON PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES AND MOTION FOR JUDGMENT ON THE PLEADINGS on the interested parties, at the addresses as stated below.

Via First Class Mail:

Arlene P. Messinger
US Small Business Administration
409 3rd Street, SW, 7th Floor
Washington, DC 20416
202-205-6857

Via Electronic Mail:

Christine Jean Levin
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Via Federal Express Overnight:

Hon. Vaughn R. Walker
U.S. District Court, Northern District
450 Golden Gate Avenue
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct. Executed on
May 15, 2008, in Boston, Massachusetts.

/s/ Damien Powell

Damien C. Powell